

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X  
:  
UNITED STATES OF AMERICA : INDICTMENT  
:  
- v. - : 18 Cr.  
:  
LENIN GUZMAN-HIDALGO, :  
a/k/a "Omarion Nunez," :  
ANA VIANELY MOLINA, :  
a/k/a "Ana Vianely :  
Cabrera," :  
GELSON ROJAS, :  
WINSTON RAMIREZ, :  
BASILIO RAMIREZ, :  
ALBANELLY RAMIREZ, and :  
WILLIAM POLANCO, :  
Defendants. :  
- - - - - X

18 CRIM 434

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: JUN 18 2018

COUNT ONE

(Conspiracy to Steal Government Funds)

The Grand Jury charges:

1. From at least in or about May 2012, up to and including at least in or about September 2017, in the Southern District of New York and elsewhere, LENIN GUZMAN-HIDALGO, a/k/a "Omarion Nunez," ANA VIANELY MOLINA, a/k/a "Ana Vianely Cabrera," GELSON ROJAS, WINSTON RAMIREZ, BASILIO RAMIREZ, ALBANELLY RAMIREZ, and WILLIAM POLANCO, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, theft of

government funds, in violation of Title 18, United States Code, Section 641.

2. It was a part and object of the conspiracy that LENIN GUZMAN-HIDALGO, a/k/a "Omarion Nunez," ANA VIANELY MOLINA, a/k/a "Ana Vianely Cabrera," GELSON ROJAS, WINSTON RAMIREZ, BASILIO RAMIREZ, ALBANELLY RAMIREZ, and WILLIAM POLANCO, the defendants, and others known and unknown, would and did embezzle, steal, purloin, and knowingly convert to their own use and the use of another, and without authority, did sell, convey, and dispose of records, vouchers, money, and things of value of the United States and a department and agency thereof, to wit, the Internal Revenue Services ("IRS"), which exceeded \$1,000, and did receive, conceal and retain the same with intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined and converted, in violation of Title 18, United States Code, Section 641.

Overt Act

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, were committed in the Southern District of New York and elsewhere:

a. On or about July 27, 2017, a co-conspirator not named as a defendant herein ("CC-1") removed two United States Treasury Department checks from the United States mail.

(Title 18, United States Code, Section 371.)

**COUNT TWO**

**(Theft of Government Funds)**

The Grand Jury further charges:

4. From at least in or about May 2012, up to and including at least in or about September 2017, in the Southern District of New York and elsewhere, LENIN GUZMAN-HIDALGO, a/k/a "Omarion Nunez," ANA VIANELY MOLINA, a/k/a "Ana Vianely Cabrera," GELSON ROJAS, WINSTON RAMIREZ, BASILIO RAMIREZ, ALBANELLY RAMIREZ, and WILLIAM POLANCO, the defendants, did embezzle, steal, purloin, and knowingly convert to their use and the use of another, and without authority, did sell, convey, and dispose of records, vouchers, money, and things of value of the United States and a department and agency thereof, to wit, the Internal Revenue Service, which exceeded the sum of \$1,000, and did receive, conceal, and retain the same with intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, the defendants wrongfully obtained United States Treasury Department Checks issued in the names of victims and, without the victims' authorization, sold, deposited, or cashed the checks.

(Title 18, United States Code, Sections 641 and 2.)

COUNT THREE

**(Conspiracy to Commit Bank Fraud)**

The Grand Jury further charges:

5. From at least in or about May 2012, up to and including at least in or about September 2017, in the Southern District of New York and elsewhere, GELSON ROJAS, WINSTON RAMIREZ, BASILIO RAMIREZ, ALBANELLY RAMIREZ, and WILLIAM POLANCO, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit bank fraud, in violation of Title 18, United States Code, Section 1344.

6. It was a part and object of the conspiracy that GELSON ROJAS, WINSTON RAMIREZ, BASILIO RAMIREZ, ALBANELLY RAMIREZ, and WILLIAM POLANCO, the defendants, and others known and unknown, willfully and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

(Title 18, United States Code, Section 1349.)

**COUNT FOUR**

**(Bank Fraud)**

The Grand Jury further charges:

7. From at least in or about May 2012, up to and including at least in or about September 2017, in the Southern District of New York and elsewhere, GELSON ROJAS, WINSTON RAMIREZ, BASILIO RAMIREZ, ALBANELLY RAMIREZ, and WILLIAM POLANCO, the defendants, willfully and knowingly, did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, the defendants cashed and deposited, and aided and abetted the cashing and depositing of, checks that had been wrongfully obtained into bank accounts at financial institutions, including bank accounts that were opened using stolen identities.

(Title 18, United States Code, Sections 1344 and 2.)

**COUNT FIVE**

**(Aggravated Identity Theft)**

The Grand Jury further charges:

8. From at least in or about May 2012, up to and

including at least in or about September 2017, in the Southern District of New York and elsewhere, LENIN GUZMAN-HIDALGO, a/k/a "Omarion Nunez," ANA VIANELY MOLINA, a/k/a "Ana Vianely Cabrera," GELSON ROJAS, WINSTON RAMIREZ, BASILIO RAMIREZ, ALBANELLY RAMIREZ, and WILLIAM POLANCO, the defendants, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, the defendants used and aided and abetted the use of the names, signatures, addresses, dates of birth, Social Security Numbers, and Driver's License Numbers of other individuals in connection with the offenses charged in Counts Two through Four of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1),  
1028A(b), and 2.)

**FORFEITURE ALLEGATION**

9. As a result of committing the offenses alleged in Counts One and Two of this Indictment, LENIN GUZMAN-HIDALGO, a/k/a "Omarion Nunez," ANA VIANELY MOLINA, a/k/a "Ana Vianely Cabrera," GELSON ROJAS, WINSTON RAMIREZ, BASILIO RAMIREZ, ALBANELLY RAMIREZ, and WILLIAM POLANCO, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal,

that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses that the defendant personally obtained.

10. As a result of committing the offenses alleged in Counts Three and Four of this Indictment, GELSON ROJAS, WINSTON RAMIREZ, BASILIO RAMIREZ, ALBANELLY RAMIREZ, and WILLIAM POLANCO, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting or derived from, proceeds obtained directly or indirectly, as a result of the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses that the defendant personally obtained.

11. As a result of committing the offense alleged in Count Five of this Indictment, LENIN GUZMAN-HIDALGO, a/k/a "Omarion Nunez," ANA VIANELY MOLINA, a/k/a "Ana Vianely Cabrera," GELSON ROJAS, WINSTON RAMIREZ, BASILIO RAMIREZ, ALBANELLY RAMIREZ, and WILLIAM POLANCO, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1028(b), any and all property constituting, or derived from, proceeds obtained directly or

indirectly as a result of said offense and any and all personal property used or intended to be used to commit said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendant personally obtained.

**Substitute Asset Provision**

12. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981, 982, 1028;

Title 21, United States Code, Section 853; and  
Title 28, United States Code, Section 2461.)

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FOREPERSON

Geoffrey S. Berman  
GEOFFREY S. BERMAN  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

LENIN GUZMAN-HIDALGO,  
a/k/a "Omarion Nunez,"  
ANA VIANELY MOLINA,  
a/k/a "Ana Vianely Cabrera,"  
GELSON ROJAS,  
WINSTON RAMIREZ,  
BASILIO RAMIREZ,  
ALBANELLY RAMIREZ, and  
WILLIAM POLANCO,

Defendants.

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INDICTMENT

18 Cr.

(18 U.S.C. §§ 371, 641, 1344, 1349,  
1028A, and 2.)

GEOFFREY S. BERMAN  
United States Attorney

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Foreperson

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6/18/18 - Filed incketed  
Case assigned to J. Keefe  
J. Pitman  
USM